

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

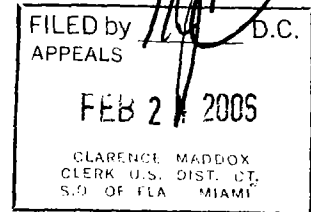
Thomas K. Kahn
Clerk

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January 31, 2006

Clarence Maddox
Clerk, U.S. District Court
301 N MIAMI AVE STE 150
MIAMI FL 33128-7788

Appeal Number: 05-14308-JJ *AMS*
Case Style: Rolls-Royce PLC v. Royal Caribbean Cruises
District Court Number: 03-23214 CV-JAL



The enclosed certified copy of this Court's order dismissing the appeal for lack of jurisdiction is issued as the mandate of this court. See 11th Cir. R. 40-4 and 11th Cir. R. 41-4.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

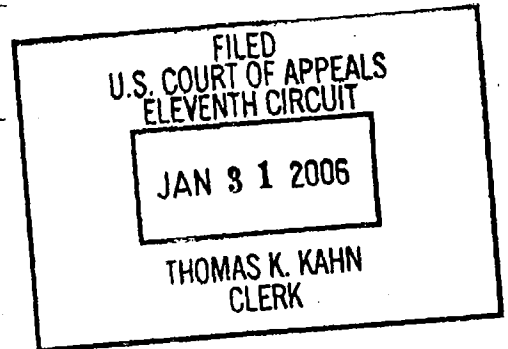
Reply To: Carol P. Lewis (404) 335-6179

Encl.

AMS
DIS-4 (3-2005)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-14308-JJ



ROLLS-ROYCE PLC,
ROLLS-ROYCE AB,
ROLLS-ROYCE NORTH AMERICAN HOLDINGS, INC.,
ROLLS-ROYCE COMMERCIAL MARINE, INC.,
ALSTOM POWER CONVERSION SA,
ALSTOM, INC.,
ALSTOM POWER CONVERSION, INC.,
MARINE SERVICE PARTNERS, INC.,

Plaintiffs-Appellants,

versus

ROYAL CARIBBEAN CRUISES LTD.,
CELEBRITY CRUISES, INC.,
MILLENNIUM INC.,
INFINITY INC.,
SUMMIT INC., et al.,


Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Florida

Before TJOFLAT, ANDERSON and BIRCH, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction, and the appellees' motion to dismiss is DENIED AS MOOT. The district court's July 8, 2005, order remanding the action to state court and

A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit
By: 
Deputy Clerk
Atlanta, Georgia

dismissing Rolls-Royce and Alstom's motion to compel arbitration for lack of subject matter jurisdiction is not appealable. See 9 U.S.C. § 16(a)(1)(A), (C); 28 U.S.C. § 1447(c), (d); Thermtron Prods., Inc. v. Hermansdorfer, 423 U.S. 336, 342-43, 96 S.Ct. 584, 589, 46 L.Ed.2d 542 (1976); Whole Health Chiropractic & Wellness, Inc. v. Humana Med. Plan, Inc., 254 F.3d 1317, 1319 (11th Cir. 2001); see also Dahiya v. Talmidge International, LTD., 371 F.3d 207, 210 (5th Cir. 2004); Tranist Cas. Co. v. Certain Underwriters at Lloyd's of London, 119 F.3d 619, 623-25 (8th Cir. 1997).